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4 IN THE UNITED STATES DISTRICT COURT  
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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16 MARTIN LEWIS and AARON COOPER, on  
17 behalf of themselves and a class of  
18 those similarly situated,

19 Plaintiffs,

20 v.

21 WELL'S FARGO & CO.,

22 Defendant.

23 No. C 08-2670 CW

24 ORDER PROVIDING  
25 NOTICE OF AND  
26 OPPORTUNITY TO BE  
27 HEARD ON TENTATIVE  
28 DECISION TO APPOINT  
SPECIAL MASTER

29  
30 The Court finds that the amount of judicial resources expended  
31 adjudicating discovery disputes in this case constitutes  
32 exceptional circumstances that warrant the appointment of a special  
33 master to oversee discovery. The Court intends to order that the  
34 cost of the special master's compensation shall be allocated at the  
35 special master's discretion, including allocation of the cost of  
36 the special master's compensation to the non-prevailing party upon  
37 the resolution of a dispute. Pursuant to Federal Rule of Civil  
38 Procedure 53(b)(1), the Court provides notice to the parties and an  
39 opportunity to be heard on the appointment of a special master to  
40 oversee discovery. The parties may file responses to this notice,  
41 including suggestions of candidates for appointment, no later than

1 March 17, 2009

2 IT IS SO ORDERED.

3 Dated: March 10, 2009



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4 CLAUDIA WILKEN  
5 United States District Judge